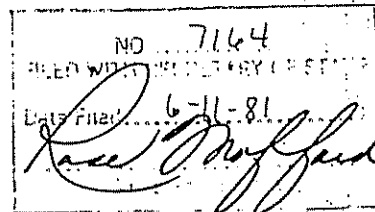


INTERGOVERNMENTAL AGREEMENT
STATE OF ARIZONA
AND
THE CITY OF FLAGSTAFF, ARIZONA



THIS AGREEMENT, entered into this 11th day of June, 1981, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called STATE, and the CITY OF FLAGSTAFF, ARIZONA, hereinafter called CITY.

WHEREAS, STATE is empowered by A.R.S. Section 23-103 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE; and

WHEREAS, CITY is empowered by A.R.S. Section 9-672 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A", resolved to enter this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said CITY; and

WHEREAS, CITY has, by Resolution No. 1123 dated August 21, 1979, authorized the implementation of the Santa Fe Bikepath as part of the Flagstaff Bike Plan; and

WHEREAS, the first phase of said Plan requires the use of the existing right of way of U.S. Highway 66 and U.S. Highway 89 (Santa Fe Avenue).

THEREFORE, the parties hereto covenant and agree as follows:

STATE shall:

Allow CITY to enter upon the existing right of way of U.S. Highways 66 and 89 to build the Santa Fe Bikepath between Enterprise Avenue and Fourth Street; the subject right of way herein cited is shown shaded on the attached plans.

CITY shall:

1. Submit the construction plans to STATE for approval prior to construction. Bike facilities will be designed in accordance with American Association of State and Transportation Official standards.
2. Acquire any additional right of way necessary to accommodate the approved bicycle plan.
3. Construct the bicycle path according to the approved plans and the safety measures outlined in STATE'S "Traffic Control Manual for Highway Construction and Maintenance". Construction shall not be within three feet of the southeast curb of Santa Fe Avenue, whenever possible. All signs and markings shall conform to Part IX of the 1978 Manual on Uniform Traffic Control Devices.
4. Be responsible for the operation and maintenance of said system and all costs related thereto. Said costs are to be included in the CITY'S annual budget.
5. Save and hold STATE harmless from all liability however arising to any and all persons, whether for personal injuries or otherwise and from any claim of any person of damage to or loss of property by reason of anything done or permitted to be

done or omitted to be done by CITY, its agents, employees in and about the area of the bicycle path.

IN GENERAL:

1. This Agreement shall remain in force and effect until terminated by either STATE or CITY upon thirty (30) days' written notice of that intent, except, however, that the parties hereto shall retain any continuing obligations contemplated by this Agreement.
2. This Agreement shall be filed with the Secretary of State and shall become effective on the date of its being filed with the Secretary of State.
3. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor, pursuant to Arizona Revised Statutes, Section 38-511.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY: W. A. Ordway

Title: W. A. ORDWAY, Director

CITY OF FLAGSTAFF, ARIZONA

BY: Linda Butler

Title: Mayor

Approved As To Form:

ATTEST:

Linda Butler
CITY CLERK

See attached Exhibit "B"
CITY ATTORNEY

CITY OF FLAGSTAFF

RESOLUTION NO. 1123

- A RESOLUTION AUTHORIZING THE CITY OF FLAGSTAFF TO ENTER INTO A JOINT USE AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION FOR CONSTRUCTION OF A BIKEWAY ALONG SANTA FE AVENUE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Flagstaff has amended the adopted Circulation Element of the General Plan by adopting a bikeway section; and

WHEREAS, the City of Flagstaff must enter into an agreement with the Arizona Department of Transportation in order to utilize State Highway right-of-way for construction of a bikepath to run along Santa Fe Avenue; and

WHEREAS, the agreement cannot be made without official authorization by the City of Flagstaff;

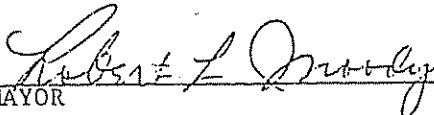
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1: That the City of Flagstaff be authorized to accept the Arizona Department of Transportation joint use agreement for construction of the "Santa Fe Bikepath".

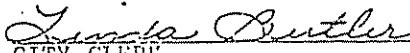
SECTION 2: That the Mayor of the City of Flagstaff be authorized to sign the agreement on behalf of the City.

SECTION 3: That the immediate operation of the provisions of this Resolution is necessary for the public peace, health and safety of the residents and citizens of the City of Flagstaff; that an EMERGENCY is, therefore, declared to exist; THAT THIS RESOLUTION SHALL BE IN FULL FORCE AND EFFECT IMMEDIATELY UPON ITS PASSAGE AND ADOPTION BY THE COUNCIL OF THE CITY OF FLAGSTAFF.

PASSED AND ADOPTED by the Council and approved by the Mayor of the City of Flagstaff, this 21ST day of August, 1979.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:

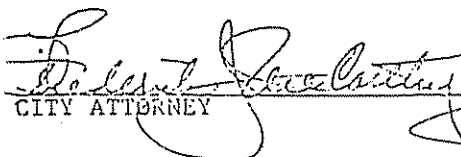

CITY ATTORNEY

EXHIBIT "B"

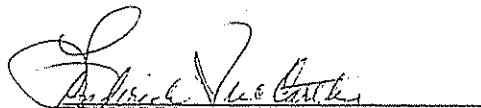


City of Flagstaff

May 2, 1981

P.O. Box 1208
Flagstaff Arizona 86002
602-774-5281

I have reviewed the Intergovernmental Agreement between the Department of Transportation at the State of Arizona and the City of Flagstaff in regard to the installation and maintenance of a Bike Path on U.S. Highway 66 between Enterprise Road and Fourth Street, and it is my determination that the Agreement is in proper form and within the process and authority of the City under its Charter and the statutes of the State of Arizona.


FREDERICK J. MC CARTHY
CITY ATTORNEY


RECEIVED
JUN 8 - 1981
RIGHT OF WAY SECTION
A.D.O.T.

RECEIVED
JUN 8 1981
P/W PLANS
PHOENIX, ARIZONA

RESOLUTION

Be It Resolved on this 15th day of August, 1979, that I, W. A. Ordway, Director of the Arizona Department of Transportation, have determined that, pursuant to A.R.S. 28-108, it is in the best interest of the State of Arizona for the Department of Transportation, acting by and through its Highways Division, to enter into an Intergovernmental Agreement with the City of Flagstaff for the construction of a bicycle path which will utilize part of the right of way for U.S. Highway 66 and U.S. Highway 89 (Santa Fe Avenue).

Therefore, authorization is hereby given to draft said agreement, which, upon completion, shall be submitted for approval and execution.


W. A. Ordway, Director
Arizona Department of Transportation



OFFICE OF THE
Attorney General

1801 WEST JEFFERSON STREET
FOURTH FLOOR
PHOENIX, ARIZONA 85007

RECEIVED
SEP 12 1979
DISTRICT 5

ROBERT K. CORBIN
~~XXXXXXXXXXXX~~
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

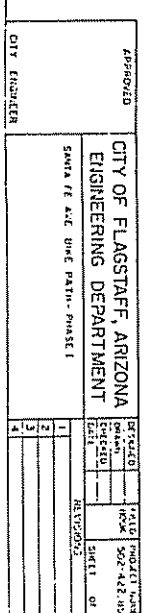
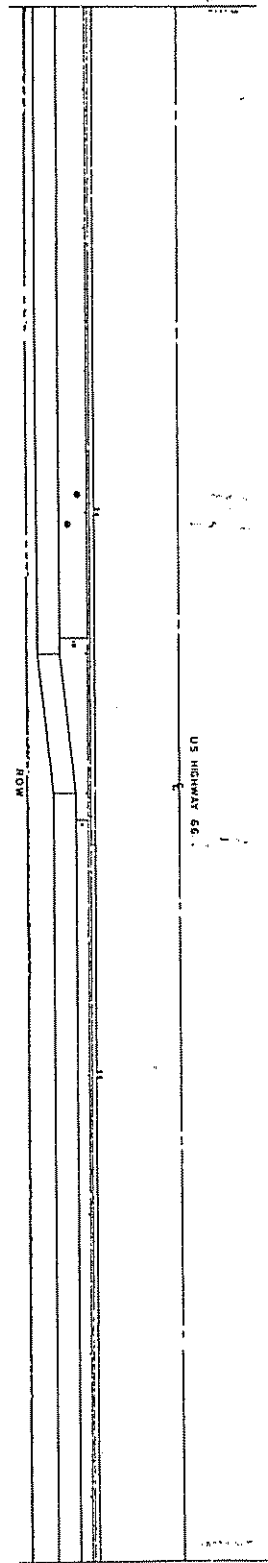
A. G. Contract No. 79-672 which is an agreement between public agencies has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

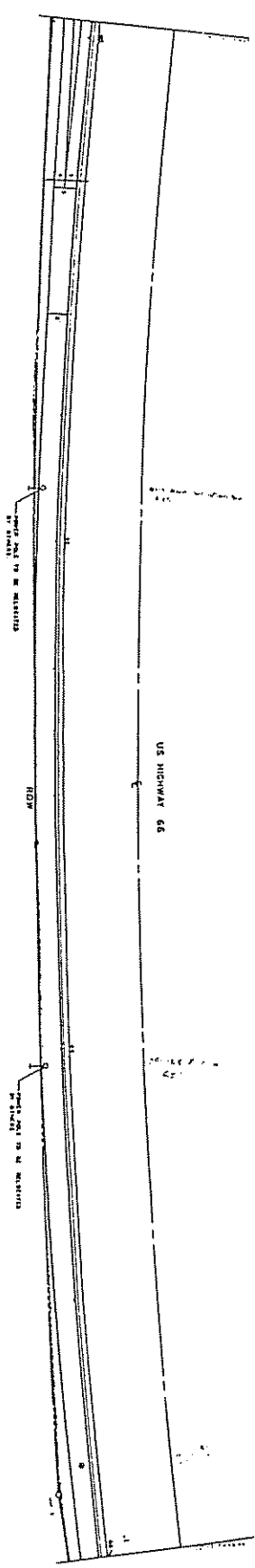
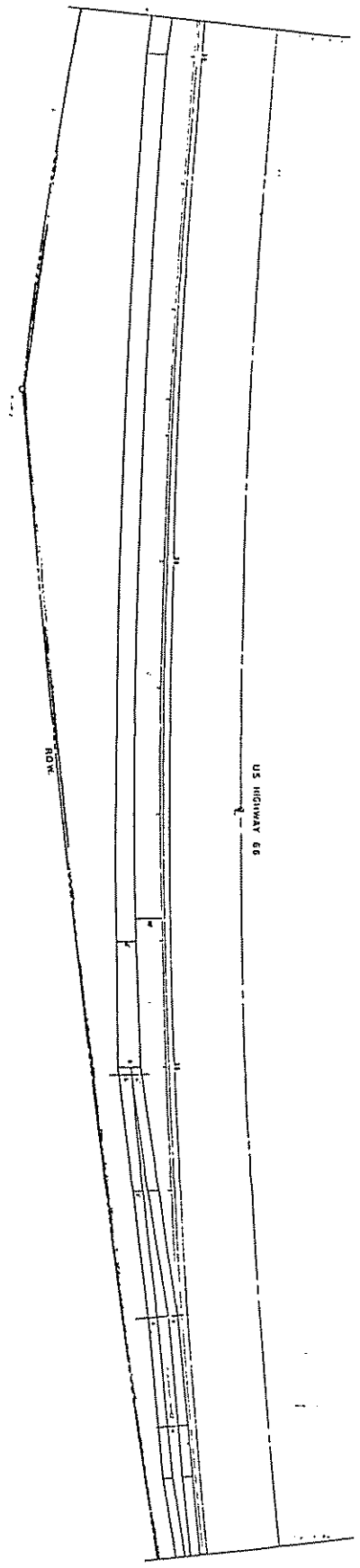
No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this _____ day of SEPTEMBER, 1979.

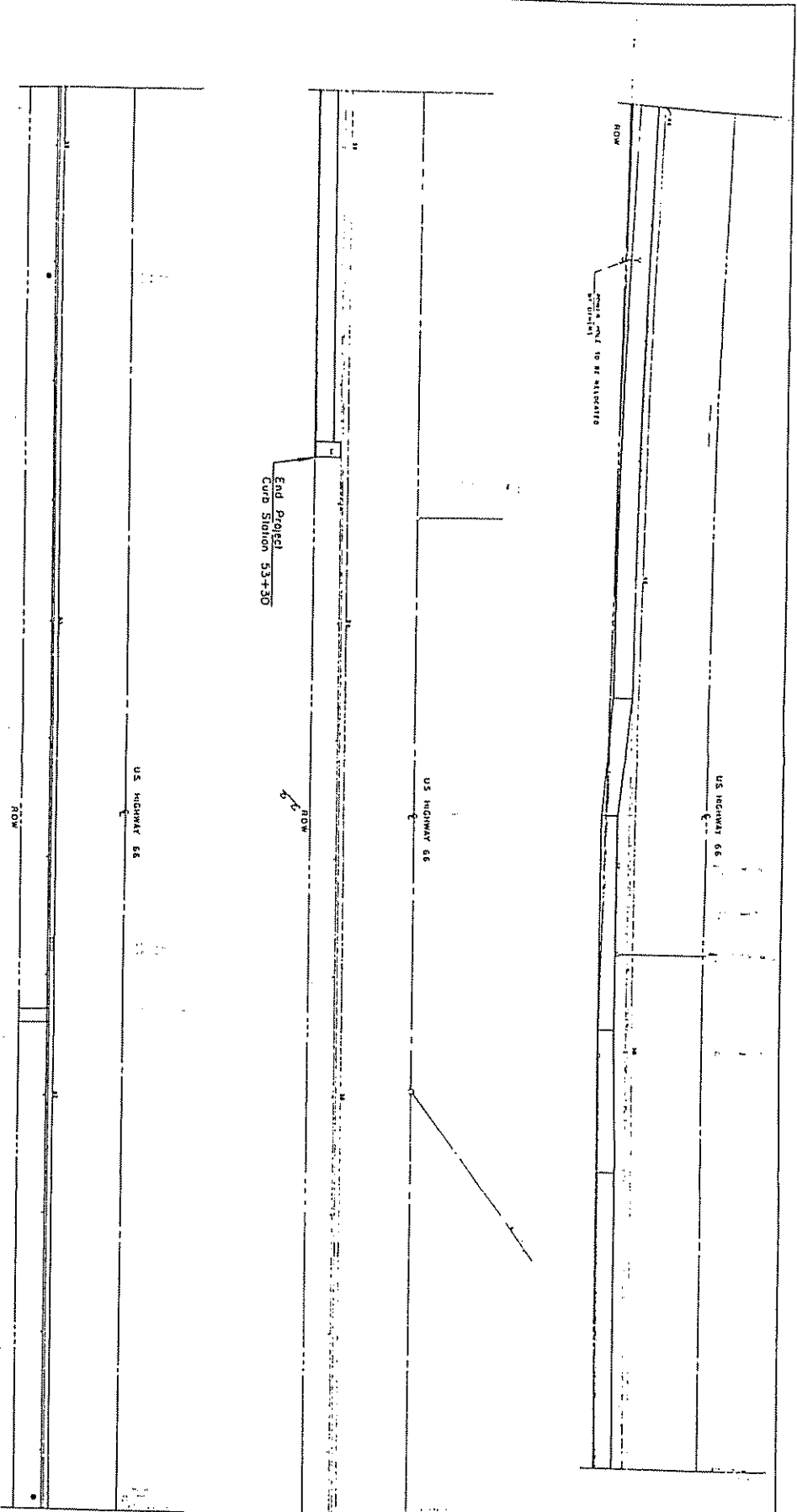
ROBERT K. CORBIN
Attorney General

JAMES R. REDPATH
Assistant Attorney General





APPROVED		CITY OF FLAGSTAFF, ARIZONA		DESIGNED BY	FIELD PROJECT N
CITY ENGINEER		ENGINEERING DEPARTMENT		DRAWN BY	BOOK 502-422
		SANTA FE AVE DIVE PATH - PHASE I		CHECKED BY	DATE
1					12/15/05
2					
3					
4					



APPROVED		CITY OF FLAGSTAFF, ARIZONA	
ENGINEERING DEPARTMENT		PROJECT NO. 502-422 B5	
SANTA FE AVE BKT. PHASE I		SHEET 01	
CITY ENGINEER		DESIGNED BY	
		CHECKED BY	
		APPROVED BY	